UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 AUG 20 PM 12: 12
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA,	)	Magistrate Docket No.
Plaintiff,	)	
	)	COMPLAINT FOR VIOLATION OF:
v.	)	
	)	Title 8, U.S.C., Section 1326
Jose Luis CALDERON-Duran,	)	Deported Alien Found in the
	)	United States
	)	
Defendant	)	

'08 MJ 2570

The undersigned complainant, being duly sworn, states:

On or about **August 19, 2008** within the Southern District of California, defendant, **Jose Luis CALDERON-Duran,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **20th** DAY OF **AUGUST 2008**

Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

DOA 08/19/08

CJC

CONTINUATION OF COMPLAINT:
Jose Luis CALDERON-Duran

PROBABLE CAUSE STATEMENT

On August 19, 2008, Border Patrol Agent J. McFarlin, was performing assigned line watch duties in the Imperial Beach area of operations. At approximately 9:05 A.M., Agent McFarlin responded to a seismic intrusion Northwestd of the San Ysidro, California Port of Entry.

Upon arriving in the area, Agent McFarlin found multiple footprints. Agent McFarlin immediately notified the West High Point position of this. After a brief scan of the area Border Patrol Agent F. White, who was assigned to the West High Point position, was able to find seven subjects running north. Agent McFarlin responded to the area and found an individual later identified as the defendant **Jose Luis CALDERON-Duran.** An immigration inspection was conducted. CALDERON admitted to being a citizen of Mexico without any documents that would allow him to be or remain in the United States legally. Agent McFarlin placed CALDERON under arrest and made arrangements for his transportation to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **August 13, 2001** through **Otay Mesa, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.